



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/798,958

03/11/2004

Dana Scott Atkinson

10174/00003

7719

23380 7590 07/11/2007
TUCKER ELLIS & WEST LLP
1150 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND, OH 44115-1414

EXAMINER

KERSHTEYN, IGOR

ART UNIT	PAPER NUMBER
----------	--------------

3745

MAIL DATE	DELIVERY MODE
-----------	---------------

07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,958

Applicant(s)

ATKINSON, DANA SCOTT

Examiner

Igor Kershteyn

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 16-18 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 6, 15, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/15/04, 6/13/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it contains more than 159 words. The abstract is also objected to because in line 1, "An hydraulic" should be changed to --A hydraulic--.

Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 1, 3, 4, and 11-13 are objected to because of the following informalities:

In claim 1, line 1, "An hydraulic" should be changed to --A hydraulic--.

In claim 3, line 6, "an hydraulic" should be changed to --a hydraulic--,

In claim 4, lines 3 and 5, "an hydraulic" should be changed to --a hydraulic--,

In claim 11, line 1, "An hydraulic" should be changed to --A hydraulic--,

In claim 11, line 4, "an hydraulic" should be changed to --a hydraulic--,

In claim 12, line 6, "an hydraulic" should be changed to --a hydraulic--,

In claim 13, lines 3 and 5, "an hydraulic" should be changed to --a hydraulic--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-14, 16-18, and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by DE2557664.

In figures 1-3, '664 teaches a hydraulic cylinder comprising: a sleeve cylinder 10, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber 18; an internal cylinder 14, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber 24; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Claims 1-5, 7-14, 16-18, and 21-25 are rejected under 35 U.S.C. 102b) as being anticipated by NL8105929A.

Art Unit: 3745

In figures 1-3, '929 teaches a hydraulic cylinder comprising: a sleeve cylinder 2, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber 4; an internal cylinder 3, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber 9; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Claims 1-5, 8, 9, 11-14, and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by FR2739149A.

'149 teaches a hydraulic cylinder comprising: a sleeve cylinder 1, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber 6; an internal cylinder 3, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber 10; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Allowable Subject Matter

Claims 6, 15, and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of six patents.

Hottel (1,788,298) is cited to show a hydraulic cylinder comprising: a sleeve cylinder, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber; an internal cylinder, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Rosaen (3,335,642) is cited to show a hydraulic cylinder comprising: a sleeve cylinder, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber; an internal cylinder, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Gardner (3,353,352) is cited to show a hydraulic cylinder comprising: a sleeve cylinder, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber; an internal cylinder, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Latham (5,172,625) is cited to show a hydraulic cylinder comprising: a sleeve cylinder, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber; an internal cylinder, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Obrecht et al. (5,299,489) is cited to show a hydraulic cylinder comprising: a sleeve cylinder, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber; an internal cylinder, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Langer et al. (5,865,089) is cited to show a hydraulic cylinder comprising: a sleeve cylinder, stationary between extended and retracted positions, for substantially defining a second hydraulic fluid chamber; an internal cylinder, substantially retained within the sleeve cylinder, for substantially defining a first hydraulic fluid chamber; wherein the internal cylinder is adapted to be displaced to the extended position to deliver a power stroke upon filling either the first or second hydraulic chambers with hydraulic fluid.

Art Unit: 3745

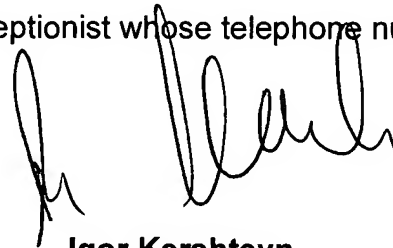
Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK



**IGOR KERSHTEYN
PRIMARY EXAMINER**

**Igor Kershteyn
Primary Patent examiner.
Art Unit 3745**